THE HONOURABLE SRI JUSTICE A.GOPAL REDDY

W.P.No.35282/1997

Dt.4-7-2007

R.Peddabbai ..Petitioner

V.

The Depot Manager, APSRTC, Addanki, Prakasham Distrioct.

..Respondent.

W.P.No.35282/1997

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ORAL ORDER

The petitioner was appointed, basing upon the driving licence

obtained from Licensing Authority, Karimnagar, as driver on daily wages with effect from 4-5-1995 and was attached to Addanki APSRTC Depot, Prakasham District. On joining, the driving licence submitted by the petitioner was sent to verification. The Additional Licensing Authority, Karimnagar submitted a report that the driving licence bearing No.D.L.No.6931/FDL/81 dt. 28-12-1981 obtained by the petitioner was bogus one. On such report, a charge-sheet was issued on 18-9-1997 framing two charges, namely, (1) for having produced the bogus driving licence with a view of get driver post in the Corporation, which constitutes serious misconduct as per clause (xxxii) of APSRTC Employees (Conduct) Regulations, 1963; and (2) for having cheated the Corporation by producing the bogus driving licence which is a serious misconduct as per clause (xxxii) of APSRTC Employees (Conduct) Regulations, 1963. Pursuant to the charge sheet dt. 18-9-1997, the petitioner submitted his explanation. As the explanation offered by the petitioner was not satisfactory, a show cause notice of removal dt. 8-10-1997 was issued to the petitioner calling upon him to show cause as to why he should not be removed from service for securing employment by producing bogus driving licence. Pursuant to the show cause notice of removal dt. 8-10-1997, the petitioner made a representation seeking extension of time to submit his explanation and the same was considered by the Corporation extending time upto 10-11-1997. Though the petitioner acknowledged the letter dt. 24-10-1997 extending time to submit his explanation, failed to submit explanation within the stipulated period. Ultimately, the petitioner was removed from service through the impugned proceedings dt. 29-11-1997. Questioning the same, the present writ petition has been filed contending that on submission of the explanation pursuant to the charge-sheet, no enquiry, whatsoever has been held and no opportunity was given to him to defend his case, therefore, impugned removal order passed is in violation of principles of natural justice, and the same is liable to be set-aside.

While admitting the writ petition, this court ordered notice. Thereafter, by order dt. 6-8-1998 this court suspended the removal order. On

such suspension, when the petitioner has not been re-instated into service, he filed CC No.732/99 and the same was closed on 28-4-1999.

It is represented that interim order dt. 6-8-1998 has been complied with and the petitioner has been reinstated into service, thus as a result the petitioner has been discharging his duties as driver since from 1999 till date.

Learned counsel for the respondent-Corporation submits that against the impugned removal order, the petitioner will have an alternative remedy of appeal, and also can raise a dispute under Sec. 2-D of the Industrial Disputes Act; therefore the writ petition is not at all maintainable.

Admittedly, no enquiry, whatsoever, has been conducted pursuant to the issuance of charge-sheet and explanation offered by the petitioner. The petitioner has not been afforded an opportunity to prove that driving licence produced by him was genuine. Only basing upon the report submitted by the Licensing Authority, Karimnagar, the respondent came to the conclusion that the driving licence obtained by the petitioner is bogus one and removed the petitioner from service without affording an opportunity.

Be that as it may, the petitioner has been discharging his duties as driver since from 1999 till date. In view of the same, ends of justice will be met if the impugned order is set-aside subject to condition of the petitioner producing driving licence within two (2) months from today. On such production, the respondent-Corporation shall verify and pass appropriate orders after giving due opportunity.

The writ petition is accordingly allowed. No costs.

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A.GOPAL REDDY,J

Dt.4-7-2007
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